

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--------------------------|------------------------------|
| Applicant: Cindy CASTADO | Docket No: BM45292 (306548) |
| Serial No.: 10/500,530 | Confirmation No.: 7712 |
| Filed: February 16, 2005 | Group Art Unit: 1645 |
| For: NOVEL COMPOUNDS | Examiner: BASKAR, Padmavathi |

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW
UNDER 37 CFR § 1.133**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Examiner's Interview Summary attached to the Notice of Allowability mailed January 31, 2007, applicants hereby timely submit a Statement of the Substance of the Interview.

Remarks begin on page 2 of this paper.

REMARKS

Statement of the Substance of the Interview

Further to the Examiner's Interview Summary attached to the Notice of Allowability mailed January 31, 2007, applicants confirm that the interview conducted on December 20, 2006 was telephonic, that no exhibits were shown, and that agreement was reached regarding amendment of claim 60 as per the Interview Summary.

Clarification of Restriction Requirement

The restriction requirement mailed October 19, 2005 set forth restriction Groups I – VI. In Applicants' response dated February 21, 2006, Applicants elected Group I, drawn to

an isolated polynucleotide and derivatives thereof, a method for expressing a polynucleotide, a genetically modified host cell, a method for expressing a polypeptide and an immunogenic composition.

Notwithstanding applicant's election, in the Office Action mailed April 6, 2006 the Examiner withdrew all claims except those drawn to polypeptides and fusion proteins, now allowed.

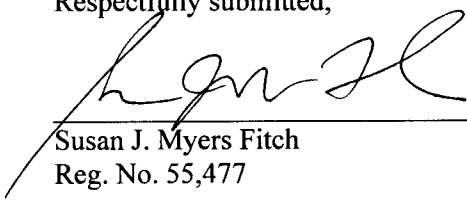
Applicants understand the allowance of claims drawn to polypeptides and fusion proteins, coupled with the Examiner's failure to rejoin any of the claims earlier withdrawn, as an affirmation that the polypeptides and fusion proteins allowed in the instant application are independent and distinct from "an isolated polynucleotide and derivatives thereof, a method for expressing a polynucleotide, a genetically modified host cell, a method for expressing a polypeptide and an immunogenic composition," 35 U.S.C. § 121.

No fees are believed to be due in connection with this Statement. However, the Director is authorized to charge any additional fees that may required, or credit any overpayment, to Dechert LLP Deposit Account No. 50-2778 (**Order No. BM45292 (306548)**).

Respectfully submitted,

Date: February 14, 2007

DECHERT LLP
Customer No. 37509
Tel: 650.813.4800
Fax: 650.813.4848



Susan J. Myers Fitch
Reg. No. 55,477

13415238.1.BUSINESS